

## **GUINEA: Tier 2 Watch List**

Guinea is a source, transit, and to a lesser extent destination country for men, women, and children subjected to forced labor and sex trafficking. The majority of trafficking victims are children, and trafficking is more prevalent among Guinean citizens than foreign migrants in Guinea. Girls are sometimes sent to intermediaries who subject them to domestic servitude and commercial sexual exploitation, while boys are forced to beg on the streets, work as street vendors or shoe shiners, or labor in gold and diamond mines. Some women, men, and children are subjected to forced labor in agriculture. For example, reports indicate children are sent to the coastal region of Boke for forced labor on farms or to Senegal for education in Koranic schools, some of which exploit students through forced begging. Some Guinean boys and girls are subjected to forced labor in gold mining in Senegal, Mali, and possibly other West African countries. Guinea is a transit point for West African children subjected to forced labor in gold mining throughout the region. A small number of girls from neighboring West African countries migrate to Guinea, where they are subjected to domestic servitude and to possible commercial sexual exploitation. Women and girls are subjected to domestic servitude and sex trafficking in various countries in West Africa, Europe, the Middle East, and the United States. During the reporting period, there were increased reports of girls and women exploited in sex trafficking in Europe. Boys are exploited in prostitution in the Netherlands. Thai, Chinese, and Vietnamese women are subjected to forced prostitution in Guinea.

The Government of Guinea does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Guinea is placed on Tier 2 Watch List for a third consecutive year. Guinea was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to bring itself into compliance with the minimum standards for the elimination of trafficking and it has committed to devoting sufficient resources to implement that plan. During the reporting period, an outbreak of Ebola Virus Disease severely affected the country and overwhelmed the government's resources and capacity to effectively address a variety of issues, including trafficking in persons. Although the government prosecuted four alleged traffickers and convicted three traffickers during the reporting period, it imposed inadequate sentences. The government did not provide adequate resources or training to law enforcement and judiciary personnel, identify or provide protective services to victims, provide any funding to support activities of its national anti-trafficking committee, or take any tangible action to prevent trafficking during the reporting period.

## **RECOMMENDATIONS FOR GUINEA:**

Increase efforts to investigate and prosecute trafficking offenses, and convict and impose adequate sentences on trafficking offenders, including complicit officials; provide specialized anti-trafficking training to law enforcement officials and magistrates; increase prescribed penalties for forced prostitution; provide specialized training to border officials to recognize both adult and child trafficking victims and to refer them to protective services; regularly convene the national anti-trafficking committee and provide adequate resources and training to committee members to support their efforts; develop and implement a national action plan to combat trafficking in persons; develop systemic procedures for the referral of victims to care; strengthen partnerships with NGOs and international organizations to ensure improved care for victims; enhance collaboration and information sharing mechanisms among government agencies involved in combating trafficking; and increase efforts to raise public awareness about trafficking, including the trafficking of adults.

## **PROSECUTION**

The government maintained modest anti-trafficking law enforcement efforts. Guinean law does not prohibit all forms of trafficking; for example, debt bondage is not criminalized. Article 330 of the 2012 penal code prohibits forced prostitution and prescribes penalties of two to five years' imprisonment; these penalties are sufficiently stringent, but not commensurate with penalties prescribed for other serious crimes, such as rape. Article 337 of the 2012 penal code prohibits individuals from entering into agreements to deprive third parties of their liberty, prescribing penalties of five to 10 years' imprisonment and confiscation of any proceeds from the crime. Articles 385-396 of the 2009 child code prohibit all forms of child trafficking and prescribe penalties of five to 10 years' imprisonment and the confiscation of any proceeds from the crime. These penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. These penalties are not, however, generally imposed in practice as Article 49 of the criminal code generally authorizes judges, if they find "mitigating" circumstances, to reduce imprisonment to less than 16 days and a nominal fine or even simply a maximum fine of two million Guinean francs (\$270).

The government did not initiate any new investigations during the reporting period. However, it concluded an investigation from March 2014, which led to four prosecutions and the conviction of three trafficking offenders for forced child labor, an increase from the previous year, in which the government only prosecuted and convicted one trafficking offender. Nonetheless, the court issued inadequate sentences for the three offenders convicted in 2014, penalizing each trafficker with only four months'

Imprisonment the amount of prison time already served at the time of sentencing rather than the applicable minimum sentence of five years' imprisonment. The Office for the Protection of Gender, Children, and Morals within the Guinea police, responsible for investigating trafficking and child labor, remained severely underfunded. The government did not provide any anti-

trafficking law enforcement training during the reporting period. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, general corruption among law enforcement and the judiciary remained an issue.

## **PROTECTION**

The government demonstrated minimal efforts to protect trafficking victims. The government failed to proactively identify or directly provide services to trafficking victims during the reporting period; furthermore, it did not provide funding or in-kind support to NGOs that assisted victims. The government continued to refer child victims to NGOs on an ad hoc basis and, in one case, worked with NGOs to reunite victims with their families. In that case, the government worked with the Government of Senegal to repatriate 12 victims of forced child labor to Guinea and then subsequently worked with an NGO to ensure that the children were ultimately reunited with their families.

Although legally available, the government did not provide temporary or permanent residency to any victims from countries where they would face retribution or hardship. There was no evidence the government encouraged trafficking victims to participate in the investigation or prosecution of their traffickers during the year; reports indicated victims, or victims' parents in cases involving children, were reluctant to file claims against trafficking offenders due to limited access to justice, a lack of confidence in the justice system, corruption, and potential threats of reprisal. There were no reports that the government detained, fined, or jailed victims for unlawful acts committed as a result of being subjected to trafficking; however, due to a lack of formal victim identification procedures, some unidentified victims may have been penalized for such crimes.

## **PREVENTION**

The government demonstrated minimal efforts to prevent trafficking. The national anti-trafficking committee drafted a national action plan in July of 2014; however, this plan was not finalized at the end of the reporting period. Nonetheless, the government adopted an interim written plan. The committee did not receive an operational budget and remained inactive for the majority of the reporting period. The government did not launch any trafficking awareness campaigns. It did not take any tangible steps to reduce the demand for forced labor or commercial sex acts. During the reporting period, the government did not provide anti-trafficking training or guidance for its diplomatic personnel or peacekeeping troops deployed abroad.